No. 15-274

In The
Supreme Court of the United States

WHOLE WOMAN'S HEALTH, ET AL.,
Petitioners,

v.

JOHN HELLERSTEDT, M.D., COMMISSIONER OF THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES, ET AL.,
Respondents.

On Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit

AMICUS BRIEF OF THE AMERICAN CENTER FOR LAW AND JUSTICE, FAMILY RESEARCH COUNCIL, THE TEXAS CONSERVATIVE COALITION, AND THE HOUSTON COALITION FOR LIFE IN SUPPORT OF RESPONDENTS

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QUESTION PRESENTED

In light of the centrality of material health arguments in this case, should this Court keep in mind that the assumption that abortion is generally safe, even safer than childbirth, is unsupported and manifestly incorrect?

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INTEREST OF AMICI[1]

The American Center for Law and Justice ("ACLJ") is an organization dedicated to the defense of constitutional liberties secured by law, including the defense of the sanctity of human life. ACLJ attorneys have appeared frequently before this Court as counsel for parties, *e.g.*, *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009), or for amici, *e.g.*, *Town of Greece v. Galloway*, 134 S. Ct. 1811 (2014), addressing a variety of issues. The ACLJ filed as amicus in the Fifth Circuit both in this case and in predecessor litigation.[2]

Family Research Council ("FRC") is a non-profit organization located in Washington, D.C., that exists to develop and analyze governmental policies that affect the family. Through publications, media appearances, public events, debates and testimony, FRC's team of policy experts reviews data and analyzes legislative and executive branch proposals that affect marriage, the family, and human life. FRC has submitted amicus curiae briefs presenting its views in several Supreme Court cases affecting unborn human life, most recently in *Stenberg v. Carhart*, 530 U.S. 914 (2000), and *Gonzales v. Carhart*, 550 U.S. 124 (2007). FRC contends

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[1] The parties in this case have consented to the filing of this brief. Copies of the consent letters are being filed herewith. No counsel for any party authored this brief in whole or in part. No person or entity aside from the ACLJ, its members, or its counsel made a monetary contribution to the preparation or submission of this brief.

[2] This brief is also filed on behalf of more than 156,000 supporters of the ACLJ as an expression of their support for common-sense safety standards for abortions.

that because many women who undergo an abortion experience unexpected emotional and physical harms that can result in the need for emergency care, state governments are permitted to regulate pursuant to the principles established under *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

Texas Conservative Coalition (TCC) is a non-profit public policy organization committed to improving Texas Government and holding our elected leaders accountable to a conservative vision for our state. Since its founding in 1985, TCC has served as the conservative caucus of the Texas Legislature. Critical to advancing TCC's conservative cause is our mission to promote and defend limited government, individual liberty, free enterprise and traditional values – a platform that has for decades given a voice to grassroots activists, claimed countless conservative victories across the State of Texas and held elected officials accountable for principled and conservative action. TCC believes that the principles and ideas of our nation's founding are principles worth conserving and fighting for.

The Houston Coalition for Life (HCL) owns and operates a mobile Crisis Pregnancy Center which provides free sonogram services to expectant mothers. The HCL organizes Stand & Pray events outside abortion facilities in Houston, Texas. The HCL has previously joined the ACLJ, in the Fifth Circuit, as amicus in support of the legislation challenged here.

The present amicus brief addresses the misconception that abortion has been proven to be safe and routine, even safer than childbirth.

SUMMARY OF ARGUMENT

This case addresses the constitutionality of abortion facility safety regulations. It is essential, therefore, that this Court understand that abortion, as currently practiced in the United States, is frequently the occasion of medical mishaps, even serious injuries and deaths. In particular, the assertion that abortion is somehow safer than childbirth is an unsupported canard, contrary to the truth.

ARGUMENT

No one expects to see an ambulance pulling away from a dermatology or dental office. Yet ambulances are a frequent sight at abortion facilities. This sorry fact is just one of many that belie the abortion industry myth that abortion is safe and routine, even safer than childbirth. As demonstrated below, abortion in fact is a hazardous procedure that all too often results in serious complications. Moreover, the common claim of abortion apologists that abortion is safer than childbirth is based upon incomplete data and inaccurate comparisons. The evidence strongly suggests that abortion is more dangerous, not less, than childbirth.

I. ABORTION IS A POTENTIALLY HAZARDOUS PROCEDURE.

A. Ambulance calls

People who visit a dentist, eye doctor, dermatologist, or ear/nose/throat specialist do not typically leave in an ambulance. Yet that is a frighteningly common occurrence at abortion facilities. Here is a partial list of *documented* incidents from 2015 in which an ambulance was called to transport an abortion patient from an abortion facility:[3]

Jan. 7, 2015, Spokane, WA
Jan. 17, 2015, San Diego, CA
Jan. 31, 2015, Houston, TX (911 recording)
Feb. 3, 2015, Bakersfield, CA
Feb. 6, 2015, Houston, TX (911 recording)
Feb. 7, 2015, Little Rock, AR
Feb. 7, 2015, Riverside, CA
Feb. 7, 2015, Akron, OH (video, 911 recording)
Feb. 19, 2015, Pensacola, FL (video, 911 recording)
Feb. 25, 2015, Houston, TX (911 recording)
Feb. 26, 2015, Houston, TX (911 recording)
Feb. 28, 2015, Houston, TX (911 recording)
Mar. 7, 2015, St. Louis, MO

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[3] A list of documented incidents from 2009 through 2015, citing sources, is included as Appendix A to this brief. The list presented here in the text omits the source references but notes whether the source includes a recording of the 911 call and/or a video of the incident. Both lists exclude incidents that were not published online or for which the exact date could not be ascertained.

Mar. 11, 2015, Little Rock, AR (video, 911 recording)
Mar. 12, 2015, Ann Arbor, MI (911 recording)
Mar. 20, 2015, Cleveland, OH (911 recording)
Mar. 26, 2015, Wichita, KS (video, 911 recording)
Mar. 27, 2015, Bedford Heights, OH (incident report)
Mar. 31, 2015, Bakersfield, CA (video, 911 recording)
Apr. 14, 2015, Bakersfield, CA (911 recording)
Apr. 15, 2015, Spokane, WA (video, 911 recording)
Apr. 24, 2015, Cleveland, OH (video, 911 recording)
Apr. 30, 2015, Aurora, IL (video)
May 9, 2015, Ann Arbor, MI (video)
May 11, 2015, Bedford Heights, OH (incident report)
June 6, 2015, Orlando, FL
June 26, 2015, Ann Arbor, MI (video)
July 14, 2015, Bakersfield, CA
July 15, 2015, San Bernardino, CA (video, 911 recording)
July 16, 2015, Bloomington, IN (911 recording)
Aug. 4, 2015, Houston, TX (911 recording)
Aug. 21, 2015, Brookline, MA
Sept. 5, 2015, San Diego, CA
Sept. 5, 2015, San Diego, CA (separate incident)
Sept. 16, 2015, Spokane, WA (911 recording)
Oct. 9, 2015, Columbus, OH (video, 911 recording)
Dec. 15, 2015, Germantown, MD (video)

There is every reason to believe this list is just the tip of the iceberg. The news media do not, as a rule, report on medical emergencies at abortion facilities. Documentation of such occurrences therefore is almost exclusively done by pro-life demonstrators or sidewalk counselors. *See McCullen v. Coakley*, 134 S. Ct. 2518,

2527 (2014) (distinguishing protesters and sidewalk counselors). Hence, documentation occurs only if (1) such persons are present outside abortion facilities, (2) such persons remain there long enough to be present when complications begin to arise (possibly many hours after the pregnant women entered the facilities), (3) such persons witness (or record) the incident,[4] (4) such persons report the incident to some entity with a media platform, and (5) that entity publishes an account of the incident. It is therefore logical to conclude that the incidents reported markedly understate the actual number of incidents in which abortion patients require emergency transport. *See, e.g.*, *Planned Parenthood of Greater Tex. Surgical Health Servs. v. Abbott*, 748 F.3d 583, 595 (5th Cir. 2014) ("During these proceedings, Planned Parenthood conceded that at least 210 women in Texas annually must be hospitalized after seeking an abortion"); Cheryl Sullenger, *Court Records Indicate Nearly 1,000 Abortion Patients Likely Hospitalized Annually in Texas* (Apr. 22, 2014), www.operationrescue.org/archives/court-records-indicate-nearly-1000-abortion-patients-likely-hospitalized-annually-in-texas/. Moreover, not all serious complications in the aftermath of abortion manifest themselves quickly enough to result in ambulance transport from the abortion facility itself. A patient at a Maryland abortion facility, for example, was transported after the fact, by her family, to an emergency room; she subsequently died. Operation Rescue, *Carhart Patient Dead From Horrific 33-Week*

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[4] As noted in the accounts referenced in Appendix A, emergency vehicles are sometimes directed to the back of the facility, possibly out of sight of those present in front of the building.

Abortion Injuries (Feb. 8, 2013), www.operationrescue.org/archives/carhart-patient-dead-from-horrific-33-week-abortion-injuries/. Another post-abortion woman had her mother take her to the hospital after she went home; she apparently came within an hour of dying from internal bleeding. Cheryl Sullenger, *One Hour From Death: Abortion Patient Warns of Incompetence, Squalor at North Carolina Abortion Mill* (Nov. 2, 2015), www.operationrescue.org/archives/one-hour-from-death-abortion-patient-warns-of-incompetence-squalor-at-north-carolina-abortion-mill/.

The long list of ambulance transfers, Appendix A, while plainly very incomplete, suggests the regularity of serious complications associated with abortion.

B. Maternal abortion deaths

As noted, abortion can lead to the subsequent death of the woman. *See, e.g., The Pro-Choice Death List*, www.safeandlegal.com/the-pro-choice-death-list/ (listing 250 women who died from abortion).[5] Some examples of women who died after abortions include:

> Lakisha Wilson, a 22-year-old who died after an abortion in Cleveland, Scott Taylor, *Woman dies after being rushed to hospital following an abortion*, Cleveland 19 News (Apr. 1, 2014), www.cleveland19.com/story/25133698/woman-dies-after-being-rushed-to-hospital-following-an-abortion; Statement of

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[5] This list is by no means exhaustive. For example, it does not include Lakisha Wilson or Maria Santiago, despite the notoriety of their deaths, *see infra*.

Cuyahoga County Medical Examiner's Office, http://operationrescue.org/pdfs/MedicalExaminerStatement-05302014.pdf (medical examiner statement); Operation Rescue, *Autopsy Report Reveals Abortion Patient's Hemorrhage Not Detected in Time* (July 1, 2014), www.operationrescue.org/archives/autopsy-report-reveals-abortion-patients-hemorrhage-not-detected-in-time/ (with link to autopsy report);

- Maria Santiago, a 38-year-old who died after an abortion in Baltimore, Jessica Chasmar, *4 Maryland abortion clinics shut down, 3 doctors suspended*, The Washington Times (June 6, 2013); *Notice of Current Violations, Imposition of Administrative Penalty Under State Regulations*, Md. Dep't of Health and Mental Hygiene (Mar. 26, 2013) (state report on "Patient G"), http://web.archive.org/web/20151117054 94/http://dhmh.maryland.gov/ohcq/AC/SurgAbortFac_Surveys/Associates%20in%20OB%20GYN%20Baltimore,%20Complaint,%202%2021%202013.pdf;

- Jennifer Morbelli, a 29-year-old woman who died after an abortion in Maryland, Chelsea Kiene, *Jennifer McKenna-Morbelli Death: Pro-Life Group Demands Justice After Abortion-Related Passing*, Huffington Post (Feb. 12, 2013), www.huffingtonpost.com/2013/02/12/jennifer-mckenna-morbelli_n_2671375.html;

- Tanya Reaves, a 24-year-old who died after an abortion in Chicago, Steve Miller, *Documents Shed Light On Woman's Death After Abortion*, CBS Chicago (July 24, 2012), http://chicago.cbslocal.com/2012/07/24/documents-shed-light-on-womans-death-after-abortion/; Order for Approval of Wrongful Death Settlement, *Jones v. Planned Parenthood of Ill.*, No. 2013 L 000076 (Cook Cty. Cir. Ct. L. Div. Jan. 24, 2014), https://www.lifesitenews.com/images/pdfs/TonyaReavesWrongfulDeathSettlement-012420 14.pdf ($2 million wrongful death settlement);

- Alexandra Nuñez, a 37-year-old who died after an abortion in New York, Michael J. Feeney, Barry Paddock & Jonathan Lemire, *Queens clinic A1 Medicine probed after Alexandra Nunez is fatally injured while undergoing abortion*, NY Daily News (Jan. 26, 2010), www.nydailynews.com/news/queens-clinic-a1-medicine-probed-alexandra-nunez-fatally-injured-undergoing-abortion-article-1.460728; and

- Karnamaya Mongar, a 41-year-old who died after an abortion in Philadelphia, MaryClaire Dale & Emad Khalil, *Woman Survived War, Died After Gosnell Abortion*, NBC10.com (Apr. 16, 2013), www.nbcphiladelphia.com/news/local/Woman-Mongar-Survived-War-Died-After-Gosnell-Abortion-203233721.html.

II. THE CLAIM THAT ABORTION IS SAFER THAN CHILDBIRTH IS A MYTH.

An understanding about the relative safety of abortion versus childbirth has been an important consideration in this Court's abortion jurisprudence. Most notably, the trimester framework which was established in *Roe v. Wade*, 410 U.S. 113 (1973), and which governed abortion cases until *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), hinged in part on the premise that "until the end of the first trimester mortality in abortion may be less than mortality in normal childbirth." *Roe*, 410 U.S. at 163. *See also id.* at 149 & n.44 (asserting that "[m]ortality rates for women undergoing early abortions, where the procedure is legal, appear to be as low or lower than the rates for normal childbirth") (citing, *inter alia*, abortion mortality figures from U.S. Department of Health, Education, and Welfare (HEW)).

Abortion providers and their advocates have regularly repeated the mantra that abortion (at least early abortion) is safer than childbirth. *See, e.g., Safety of Abortion*, National Abortion Federation (2006), http://prochoice.org/pubs_research/publications/downloads/about_abortion/safety_of_abortion.pdf ("Complications from having a first trimester aspiration abortion are considerably less frequent and less serious than those associated with giving birth"); *In-Clinic Abortion Procedures*, Planned Parenthood, https://www.plannedparenthood.org/learn/abortion/in-clinic-abortion-procedures (click on "How Safe Are In-Clinic Abortion Procedures?": "the risk of death from childbirth is 11

times greater than the risk of death from an abortion procedure during the first 20 weeks of pregnancy"). This claim apparently rests upon a comparison of maternal mortality and abortion mortality statistics published by the federal Centers for Disease Control (CDC). *E.g.*, Elizabeth G. Raymond & David A. Grimes, *The comparative safety of legal induced abortion and childbirth in the United States*, 119 Obstet. Gynec. 215 (2012), *abstract available at* www.ncbi.nlm.nih.gov/pubmed/22270271. *But see* David Reardon, Comment to *Abstract: The comparative safety of legal induced abortion and childbirth in the United States* (Mar. 5, 2014), www.ncbi.nlm.nih.gov/pubmed/22270271 (thoroughly refuting claim and citing numerous contrary references); Priscilla Coleman, PhD, *A Serious Misrepresentation of the Relative Safety of Induced Abortion Compared to Childbirth Published in a Leading Medical Journal*, We Care, *available at* http://web.archive.org/web/20150423171557/http://www.wecareexperts.org/sites/default/files/articles/Raymond%20&%20Grimes%20(2012)_Critique.pdf (similar). Petitioners make the same assertion here. The complaint repeatedly asserts that abortion is safer than childbirth. Cplt. ¶¶ 80, 103 (JA 148, 154). The complaint goes so far as to assert that the risk of maternal death is 14 times higher in childbirth than abortion. *Id.* ¶¶ 105, 130 (JA 154, 160). This allegation relates to petitioners' claim that when abortion becomes unavailable, risk to maternal health increases.

The problem is that, as demonstrated below, petitioners' claim is unsupported and almost certainly incorrect. This Court therefore should not assume that

access to abortion provides a health- or life-saving benefit to pregnant women.

While the *Roe* Court treated the relative safety of (early) abortion over childbirth as "now-established medical fact," 410 U.S. at 163, this "fact" is no such thing. First, the unthinking comparison of maternal mortality and abortion mortality statistics is *not* probative because there are crucial differences in the derivation of these statistics. Second, the medical literature strongly, arguably overwhelmingly, indicates that abortion is *poor* health care for women, in particular relative to the alternative of childbirth.

Amicus ACLJ addressed this point at length in a previous amicus brief to this Court. *See* Amicus Br. of the American Center for Law and Justice in Support of Petitioner, *Gonzales v. Planned Parenthood Fed'n of Am.*, No. 05-1362 (U.S. Aug. 3, 2006), *available at* http://media.aclj.org/pdf/gonzalesvppfaacljamicusbrief.pdf. Subsequent research has further confirmed the speciousness of claiming abortion is safer than childbirth. Notably, a recent, comprehensive analysis by a physician conclusively rebuts the myth that abortion is safer than childbirth. Byron Calhoun, *Systematic Review: The maternal mortality myth in the context of legalized abortion*, 80 The Linacre Q. 264 (2013), www.aaplog.org/wp-content/uploads/2013/07/LNQ61-Maternal-Mortality-Review-7-17-13.pdf/. Key points about the faulty nature of petitioners' relative safety claim include the following:

- Deaths from abortion are underreported,[6] and abortion data more generally is very incomplete;
- Deaths from abortion can be counted as "maternal deaths," thereby falsely inflating the measure of deaths supposedly from childbirth;[7]

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[6] The failure to report abortion-related deaths is apparently all too common. David C. Reardon, Thomas W. Strahan, John M. Thorp, Jr. & Martha W. Shuping, *Deaths Associated with Abortion Compared with Childbirth – A Review of New and Old Data and the Medical and Legal Implications*, 20 J. Contemp. Health Law & Pol'y 279, 286-91 (2004) (hereinafter Reardon, *Deaths Associated with Abortion*). Such underreporting is in some ways perfectly understandable. The woman may have concealed the abortion from her loved ones. The physician or coroner may, to spare the family further grief or stigma (or out of ignorance of the underlying abortion), simply report death as being due to "sepsis" or "hemorrhage" or "embolism" rather than noting an abortion connection. By contrast, there is little incentive to conceal deaths due to childbirth or complications of pregnancy, and such deaths are thus more likely to be counted. Also contributing to the undercounting of abortion is the unreliability of death certificates or official reports as sources of information regarding associated abortions. *See id.* at 289-90 (noting that official coding standards impede the reporting of abortion deaths). *See also* Mika Gissler, *et al.*, *Methods for identifying pregnancy-related deaths: population-based data from Finland 1987-2000*, 18 Paediatric & Perinatal Epidemiology 448, 451 & tbl. 2 (2004) (94% of abortion-associated deaths were not identified from death certificates or cause-of-death registries alone).

[7] Indeed, the CDC acknowledges that its tally of abortion deaths are taken from the CDC's Pregnancy Mortality System, and thus represents a subset of deaths that are double-counted as both maternal deaths and abortion deaths. *See* Karen Pazol, *et al.*, *Abortion Surveillance – United States, 2010*, CDC Morbidity & Mortality Wkly. Rep.: Surveillance Summaries, Nov. 29, 2013,

(continued...)

- Abortion mortality statistics likely will not include many deaths that result from abortion, such as increased suicide rates or longer-term fatal health consequences, even though studies show a greater risk of death from these and other causes after abortion (as opposed to childbirth);[8] a fair comparison of abortion with continued child-bearing, like a fair comparison of smoking with

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[7] (...continued)
www.cdc.gov/mmwr/preview/mmwrhtml/ss6208a1.htm (first paragraph under Methods subsection Abortion Mortality: describing criterion for listing a "pregnancy-related death" as also an "abortion-related death"; second paragraph under Methods subsection Abortion Mortality: "Since 1987, CDC has monitored abortion-related deaths through its Pregnancy Mortality Surveillance System"); *id.* at 8 (first paragraph under Results subsection Abortion Mortality: "Using national data from the Pregnancy Surveillance System" to identify abortion deaths). With such an approach, the results are mathematically stacked against childbirth ever being deemed safer than abortion: even if no pregnant woman *ever* died apart from abortion, the mortality totals for abortion and "maternal mortality" would be identical. The abortion mortality rate – "legal induced abortion-related deaths per 100,000 reported legal abortions," *id.* at 8-9, will therefore only be higher than the maternal mortality rate as to those later-term procedures where the denominator (number of abortion procedures) is sufficiently smaller than the number of live births as to offset the double-counting.

[8] The CDC defines an abortion-related death as including "a death resulting from a direct complication of an abortion, an indirect complication caused by a chain of events initiated by an abortion, or an aggravation of a preexisting condition by the physiologic or psychologic effects of abortion," plus any "pregnancy-related death in which the pregnancy outcome was induced abortion," Pazol, *et al.*, *supra* note 7, at 4.

nonsmoking, would have to take into account not just immediate consequences, but also all other statistically significant increased death risks;

- The overall maternal mortality figures do not account for the stage of gestation. A high percentage of maternal deaths are associated with miscarriages early in pregnancy; but obviously, for example, a woman entering her second trimester faces zero risk of a first-trimester death from ectopic pregnancy – the leading cause of first-trimester maternal deaths, *see infra* note 10 – yet the undifferentiated maternal mortality rate incorporates those first-trimester deaths; for a woman beyond any given stage of pregnancy, it makes no sense to compare abortion mortality with maternal mortality *throughout* pregnancy; the figures would have to be adjusted to subtract out deaths occurring at stages of pregnancy that have already passed; yet maternal mortality statistics do not make this adjustment and thus are not properly comparable to abortion mortality statistics;
- Maternal mortality is measured per childbirth, not per pregnancy;[9] hence, the relevant maternal population is artificially reduced by excluding those who experience miscarriages and stillbirths, except that if such women die, their deaths are nevertheless included in the maternal mortality totals; thus, the relevant baseline population is

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[9] "The pregnancy-related mortality ratio is an estimate of the number of pregnancy-related deaths for every 100,000 live births." *Pregnancy Mortality Surveillance System*, CDC, www.cdc.gov/reproductivehealth/MaternalInfantHealth/PMSS.html.

artificially reduced by excluding cases of pregnancy losses, while the total of deaths still includes those maternal deaths resulting from these very same uncounted pregnancies;[10] this combination inflates the reported percentage risk of childbirth (in mathematical terms, the denominator [using births, not pregnancies] of the risk fraction is reduced, while the numerator [maternal deaths] is maximized);

- The CDC itself has admitted that the statistics for maternal mortality and abortion mortality are "conceptually different" and "used by CDC for different public health purposes," Letter of July 20, 2004 from Louise Gerberding, Director, Centers for Disease Control, to Walter M. Weber (*see* Appendix B); i.e., for purposes of comparison they are apples and oranges.

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[10] Thus, for example, even though many women survive ectopic pregnancies, the supposed maternal mortality rate for all ectopic pregnancies will be infinitely high. There will be *some* maternal deaths in the numerator but *no* live births in the denominator, yielding an infinitely large fraction. Obviously, this is a misleading, indeed useless, statistic. This error will distort the overall maternal mortality rate by adding to the numerator (deaths) while not adding to the baseline denominator (live births). Historically, ectopic pregnancies have been the leading cause of deaths in the first trimester. *See Current Trends Ectopic Pregnancy – United States, 1990-92*, CDC Morbidity & Mortality Wkly. Rep.: Surveillance Summaries, Jan. 27, 1995, at 46, www.cdc.gov/mmwr/preview/mmwrhtml/00035709.htm. Hence, this is no trivial distortion. The same distortion flows from the inclusion of deaths from early miscarriages, while excluding the number of associated pregnancies from the baseline.

There is strong evidence that abortion is positively detrimental to maternal health and, if anything, more likely to lead to death or other adverse consequences than is continuing the pregnancy. *See* Amicus Br. of ACLJ, *Gonzales v. PPFA*, *supra* at 12 (citing multiple studies). *See generally Elliot Inst.*, "Abortions Increase Risk of Maternal Death: New Study," After Abortion, http://afterabortion.org/2012/multiple-abortions-increase-risk-of-maternal-death-new-study/ (and list of related articles). Access to abortion is no favor to women's health.[11]

III. PUBLISHED LITERATURE INDICATES THAT, IF ANYTHING, ABORTION IS *MORE* DANGEROUS THAN CONTINUED PREGNANCY.

Published research strongly indicates that abortion, rather than being safer than childbirth, is in fact more dangerous.

In Finland, for example, researchers drew upon national health care data to examine the pregnancy history of *all* women of childbearing age who died, for any reason, within one year of childbirth, abortion, or

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[11] As providers of abortion for a fee, petitioners have an obvious conflict of interest in purporting to represent the rights of their patients in a challenge to the laws here, which are essentially consumer protection laws. Women have an interest in reasonable, patient-protective safety measures. Providers, by contrast, have an interest in opposing *any* regulation that cuts into their volume of business or net profits. The sellers have little or no incentive fairly to assert interests that make their ultimate sales less likely or less profitable.

miscarriage, between the years of 1987 and 1994 (a total of nearly 10,000 women). The study found that, adjusting for age, women who had abortions were 3.5 times more likely to die within a year than women who carried to term. Mika Gissler, *et al.*, *Pregnancy-associated deaths in Finland 1987-1994 – definition problems and benefits of record linkage*, 76 Acta Obstetrica et Gynecologica Scandinavica 651 (1997).

A subsequent study based upon Medicaid records in California likewise found significantly higher mortality rates after abortion. The study linked abortion and childbirth records in 1989 with death certificates for the years 1989-97. This study found that, adjusting for age, women who had an abortion were 62% more likely to die from any cause than women who gave birth. David C. Reardon, *et al.*, *Deaths associated with pregnancy outcome: A record linkage study of low income women*, 95 So. Med. J. 834 (2002).

Yet another study, this one of nearly a half million Danish women, found that the risk of death after abortion was significantly higher than the risk of death after childbirth. David C. Reardon & Priscilla K. Coleman, *Short and long term mortality rates associated with first pregnancy outcome: Population register based study for Denmark 1980-2004*, 18 Med. Sci. Mon. 71 (2012). The study specifically examined both early (before 12 weeks gestation) and late (after 12 weeks gestation) abortions, and found statistically significantly higher death rates for both groups as compared to mortality after childbirth.

The Finland and California studies both showed, *inter alia*, a heightened risk of suicide after abortion.[12] (The Danish study did not examine this aspect.) A British study found the same thing. Christopher L. Morgan, *et al.*, *Mental health may deteriorate as a direct effect of induced abortion*, 314 British Med. J. 902 (Mar. 22, 1997) (letters section) (found suicide attempts more than four times as frequent after abortion than after childbirth). All these studies are consistent with the many studies documenting adverse emotional consequences after abortion. *See* David C. Reardon, *Abortion Decisions and the Duty to Screen: Clinical, Ethical and Legal Implications of Predictive Risk Factors of Post-Abortion Maladjustment*, 20 J. Contemp. Health L. & Pol'y 33, 39 n.14 (2003) (citing nearly three dozen sources).

A related consequence of abortion is the elevated risk of substance abuse. *See, e.g.*, David C. Reardon & Phillip G. Ney, *Abortion and Subsequent Substance Abuse*, 26 Am. J. Drug & Alcohol Abuse 61 (2000); David C. Reardon, *et al.*, *Substance use associated with unintended pregnancy outcomes in the National Longitudinal Survey of Youth*, 26 Am. J. Drug & Alcohol Abuse 369 (2004); Priscilla K. Coleman, *et al.*, *Substance use among pregnant women in the context of previous reproductive loss and desire for current pregnancy*, 10 British J. Health Psychol. 255 (2005).

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[12] *See also* Mika Gissler, *et al.*, *Suicides after pregnancy in Finland: 1987-94: register linkage study*, 313 British Med. J. 1431 (1996) (suicide rate after induced abortion was six times higher than suicide rate after childbirth).

Of course, abortion can also cause physical harm. This can result directly from the procedure itself (e.g., perforation of the uterus, laceration of the cervix), from the deprivation of the health benefits of continuing pregnancy (e.g., eliminating the protective effect of a full-term pregnancy against breast cancer),[13] or by masking other dangerous symptoms (e.g., a woman with an infection or an ectopic pregnancy may believe her symptoms are merely normal after-effects of abortion, leading her to delay seeking medical help).[14] *See generally Physical effects of abortion: Fact sheets, news, articles, links to published studies and more,* The UnChoice, www.theunchoice.com/physical.htm (listing sequelae and referencing sources); Reardon, *Deaths Associated with Abortion*, *supra* note 6, at 311-17 (same).

In sum, there is ample reason to believe that abortion is *detrimental* to maternal health and, if anything, *more likely* to lead to death or other adverse consequences than is continuing the pregnancy.

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[13] *See* Justin D. Heminger, *Big Abortion: What the Antiabortion Movement Can Learn from Big Tobacco*, 54 Cath. U.L. Rev. 1273, 1288-89 & nn.119 & 121 (2005) (citing sources).

[14] *Cf.* Reardon, *Deaths Associated with Abortion*, *supra* note 6, at 284 & nn.26-27 (CDC does not count as abortion death a death from ectopic pregnancy that ruptures after the woman had an abortion, even though "the deaths are at least partially due to the failure of the abortion provider to verify the site of the pregnancy and the completion of the abortion").

Abortion is a procedure fraught with hazards. This Court should reject any assertion that abortion is healthy for women, much less some sort of panacea. There is good reason to believe precisely the contrary.

CONCLUSION

This Court should affirm the judgment of the Fifth Circuit.

Respectfully submitted,

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February 2, 2016

APPENDICES

APPENDIX A: Documented ambulance calls 2009-15

2009

Mar. 12, 2009, Dayton, OH
www.operationrescue.org/archives/pattern-of-abortion-complications-at-haskell-clinics-prompts-complaint/
(911 recording included)

Mar. 12, 2009, Wichita, KS
www.operationrescue.org/archives/tiller-abortion-patient-transported-to-hospital-%E2%80%9Cno-lights-no-sirens%E2%80%9D/

June 13, 2009, St. Louis, MO
www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/

June 17, 2009, St. Louis, MO
www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/

June 30, 2009, St. Louis, MO
www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/

Aug. 11, 2009, New Rochelle, NY
www.newrochelletalk.com/node/1118

Aug. 20, 2009, New Rochelle, NY
www.newrochelletalk.com/node/1118

Aug. 27, 2009, New Rochelle, NY
www.newrochelletalk.com/node/1118

Sept. 16, 2009, Orange, CA
www.lifenews.com/2009/09/30/state-4466/

Sept. 26, 2009, Orange, CA
www.lifenews.com/2009/09/30/state-4466/

Sept. 29, 2009, St. Louis, MO
www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/ (two incidents)
Oct. 3, 2009, Riverside, CA
www.operationrescue.org/archives/ambulance-rushes-third-planned-parenthood-abortion-patient-to-the-hospital/
Oct. 13, 2009, Sacramento, CA
https://www.youtube.com/watch?v=dj4ZyV1Bur8 (video)
Oct. 22, 2009, St. Louis, MO
www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/
Oct. 24, 2009, St. Louis, MO
www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/
Dec. 6. 2009, Charlotte, NC
www.operationrescue.org/archives/alive-or-dead-video-shows-ambulance-at-north-carolina-abortion-clinic/ (video included)

2010

Jan. 22, 2010, St. Louis, MO
www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/
Mar. 18, 2010, St. Louis, MO
www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/
Mar. 30, 2010, Riverside, CA
www.lifenews.com/2010/04/02/state-4953/

Mar. 31, 2010, St. Louis, MO
www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/
Apr. 2, 2010, St. Louis, MO
www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/
May 24, 2010, Naples, FL
www.lifenews.com/2010/05/24/state-5118/; www.foxnews.com/story/2010/05/27/planned-parenthood-patient-taken-to-hospital-after-procedure.html
June 12, 2010, Cleveland, OH
www.operationrescue.org/archives/special-report-secret-ohio-department-of-health-docs-reveal-47-horrific-botched-abortions-countless-safety-violations-and-more/; http://abortiondocs.org/wp-content/uploads/2015/05/Preterm-Complication-6-12-10.pdf (state health department records)
Aug. 23, 2010, St. Louis, MO
www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/

2011
Jan. 7, 2011, Boston, MA
www.operationrescue.org/archives/ambulance-transports-victim-from-boston-planned-parenthood-abortion-clinic/
Jan. 11, 2011, Boston, MA
www.operationrescue.org/archives/powerful-new-video-exposes-harm-caused-by-obama-funded-planned-parenthood-abortion-clinics/ (portion of video)
Feb. 4, 2011, Akron, OH

www.operationrescue.org/archives/special-report-secret-ohio-department-of-health-docs-reveal-47-horrific-botched-abortions-countless-safety-violations-and-more/; http://operationrescue.org/pdfs/Akron%20Women's%20Abortion%20Complications%201.pdf (state health department records)
Feb. 5, 2011, Ft. Pierce, FL
http://sohltc.com/2011/02/07/breaking-news-ambulance-takes-woman-from-ft-pierce-abortion-clinic-with-sheet-over-her/
Feb. 12, 2011, St. Louis, MO
www.operationrescue.org/archives/emergency-transport-from-planned-parenthood-makes-another-case-for-defunding/
Feb. 16, 2011, Cincinnati, OH
www.operationrescue.org/archives/special-report-secret-ohio-department-of-health-docs-reveal-47-horrific-botched-abortions-countless-safety-violations-and-more/; http://abortiondocs.org/wp-content/uploads/2015/05/PP-Cincy-Abortion-Complications-2-2012.pdf (state health department records)
Mar. 18, 2011, Everett, WA
www.lifenews.com/2011/03/21/planned-parenthood-sends-woman-to-hospital-after-botched-abortion/; http://abortionstate.blogspot.com/2011/04/911-audio-confirms-planned-parenthood.html
Apr. 1, 2011, Aurora, IL
www.operationrescue.org/archives/powerful-new-video-exposes-harm-caused-by-obama-funded-planned-parenthood-abortion-clinics/ (portion of video)
Apr. 8, 2011, Milwaukee, WI
www.operationrescue.org/archives/as-naf-celebrates-video-documents-two-abortion-injuries-inflicted-by-naf-member/ (video included; two ambulances)
Apr. 9, 2011, West Palm Beach, FL

www.lifenews.com/2011/04/15/woman-rushed-to-hospital-in-florida-after-botched-abortion/; www.operationrescue.org/archives/another-naf-abortion-clinic-transports-injured-woman-via-ambulance/; www.christiannewswire.com/news/3303316750.html

Apr. 14, 2011, St. Paul, MN

www.operationrescue.org/archives/minnesota-activists-reports-4th-abortion-emergency-transport-in-a-week/ (video included)

Apr. 22, 2011, St. Louis, MO

www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/

May 25, 2011, St. Louis, MO

www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/

June 8, 2011, Columbus, OH

www.operationrescue.org/archives/special-report-secret-ohio-department-of-health-docs-reveal-47-horrific-botched-abortions-countless-safety-violations-and-more/; http://abortiondocs.org/wp-content/uploads/2015/05/East-PP-2-Ab-Comp-2011.pdf (state health department records)

June 12, 2011, Bronx, NY

www.operationrescue.org/archives/botched-abortion-emergency-takes-place-at-clinic-caught-in-dumping-scandal/

July 6, 2011, Cleveland, OH

www.operationrescue.org/archives/special-report-secret-ohio-department-of-health-docs-reveal-47-horrific-botched-abortions-countless-safety-violations-and-more/; http://abortiondocs.org/wp-content/uploads/2015/05/Preterm-Complication7-6-11.pdf (state health department records)

Sept. 22, 2011, Columbus, OH
www.operationrescue.org/archives/special-report-secret-ohio-department-of-health-docs-reveal-47-horrific-botched-abortions-countless-safety-violations-and-more/; http://abortiondocs.org/wp-content/uploads/2015/05/East-PP-2-Ab-Comp-2011.pdf (state health department records)
Oct. 6, 2011, Dayton, OH
www.operationrescue.org/archives/special-report-secret-ohio-department-of-health-docs-reveal-47-horrific-botched-abortions-countless-safety-violations-and-more (with link to state report)
Oct. 14, 2011, Virginia Beach, VA
www.operationrescue.org/archives/new-911-tape-reveals-botched-abortion-at-virginia-planned-parenthood/ (video with 911 recording included)
Oct. 19, 2011, St. Louis, MO
www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/
Oct. 21, 2011, Milwaukee, WI
www.lifenews.com/2011/10/27/clinic-workers-laugh-as-woman-injured-in-botched-abortion/ (video included)
Dec. 20, 2011, Sioux City, IA
www.lifenews.com/2011/12/21/planned-parenthood-botches-abortion-sends-woman-to-hospital/
Dec. 22, 2011, Stockton, CA
www.operationrescue.org/archives/ambulance-rushes-woman-to-hospital-after-pre-christmas-abortion-injury/

2012
Jan. 21, 2012, Birmingham, AL
www.lifenews.com/2012/01/22/botched-abortions-injure-two-women-in-birmingham-alabama/; www.operationrescue.org/archives/abortion-clinic-hid-critical-informa

tion-about-botched-abortions-new-evidence-shows/ (911 recordings included); http://news.christianunite.com/Religion_News/religion10151.shtml (two women taken in ambulances)
Feb. 9, 2012, Dayton, OH
www.operationrescue.org/archives/pattern-of-abortion-complications-at-haskell-clinics-prompts-complaint/ (911 recording included)
Mar. 3, 2012, Fairfax, VA
www.operationrescue.org/archives/troubled-virginia-abortion-clinic-puts-bleeding-botched-abortion-patient-in-hospital/ (video with 911 recording included)
Mar. 6, 2012, St. Paul, MN
www.lifenews.com/2012/03/13/planned-parenthood-botches-abortion-sends-woman-to-hospital-2/ (video included)
Mar. 17, 2012, Austin, TX
www.operationrescue.org/archives/medical-emergencies-at-one-texas-abortion-clinic-support-the-need-for-hospital-privileges/
Mar. 28, 2012, Sharonville, OH
www.lifenews.com/2012/03/28/woman-rushed-to-cincinnati-hospital-possible-botched-abortion/; www.lifenews.com/2012/08/21/woman-rushed-to-ohio-hospital-after-botched-late-term-abortion/; www.operationrescue.org/archives/pattern-of-abortion-complications-at-haskell-clinics-prompts-complaint/ (911 recording included)
Mar. 31, 2012, Cleveland, OH
www.operationrescue.org/archives/fire-marshall-ignores-danger-of-broken-elevator-at-abortion-clinic-where-patient-died/ (video with 911 recording included)
Mar. 31, 2012, Bellevue, NE
www.lifenews.com/2012/05/23/moans-screams-heard-from-botched-abortion-victim-in-911-call/ (911 recording included)

Apr. 2, 2012, Austin, TX
www.operationrescue.org/archives/medical-emergencies-at-one-texas-abortion-clinic-support-the-need-for-hospital-privileges/
Apr. 18, 2012, Austin, TX
www.operationrescue.org/archives/medical-emergencies-at-one-texas-abortion-clinic-support-the-need-for-hospital-privileges/
June 1, 2012, Haverhill, MA
www.operationrescue.org/archives/botched-abortion-victim-rushed-to-hospital-in-massachusetts/
June 29, 2012, St. Louis, MO
http://abortiondocs.org/clinic/surgical/372/#!prettyPhoto[gallery]/13/ (photo)
July 7, 2012, Boston, MA
www.operationrescue.org/archives/powerful-new-video-exposes-harm-caused-by-obama-funded-planned-parenthood-abortion-clinics/ (portion of video)
July 7, 2012, Atlanta, GA
www.lifenews.com/2012/07/10/women-injured-by-botched-abortions-in-georgia-massachusetts/
July 19, 2012, Bedford Heights, OH
www.operationrescue.org/archives/special-report-secret-ohio-department-of-health-docs-reveal-47-horrific-botched-abortions-countless-safety-violations-and-more/; http://abortiondocs.org/wp-content/uploads/2015/05/PP-Bedford-Abortion-Complications-01112013.pdf (state health department records)
July 20, 2012, Chicago, IL
www.lifenews.com/2012/07/26/planned-parenthood-waited-five-hours-before-sending-abortion-victim-to-er/
July 21, 2012, Milwaukee, WI
www.lifenews.com/2012/07/25/ambulances-called-after-wisconsin-abortion-biz-injures-women/ (two ambulances same day)

Aug. 16, 2012, Dayton, OH
www.lifenews.com/2012/08/23/botched-abortion-911-call-shes-bleeding-quite-badly/ (911 recording included); http://abortiondocs.org/wp-content/uploads/2015/05/Dayton-Ab-Complication-15-wks.pdf (medical record)
Aug. 16, 2012, Boise, ID
www.operationrescue.org/archives/powerful-new-video-exposes-harm-caused-by-obama-funded-planned-parenthood-abortion-clinics/ (portion of video)
Aug. 23, 2012, Houston, TX
www.operationrescue.org/archives/911-botched-abortion-hemorrhage-sends-planned-parenthood-client-to-hospital/ (911 recording included)
Aug. 31, 2012, Cleveland, OH
www.operationrescue.org/archives/special-report-secret-ohio-department-of-health-docs-reveal-47-horrific-botched-abortions-countless-safety-violations-and-more/; http://abortiondocs.org/wp-content/uploads/2015/05/Preterm-Complications-2-08312012-03062013.pdf (state health department records)
Sept. 29, 2012, Cleveland, OH
www.operationrescue.org/archives/rude-abortionist-calls-911-for-second-trimester-abortion-emergency/ (911 recording included)
Oct. 1, 2012, Charlotte, NC
www.christiannewswire.com/news/5431620831.html; www.lifenews.com/2012/10/04/doc-who-mentioned-killing-ugly-black-babies-botches-abortion/
Oct. 2, 2012, Kenmore, WA
www.operationrescue.org/archives/powerful-new-video-exposes-harm-caused-by-obama-funded-planned-parenthood-abortion-clinics/ (portion of video)
Oct. 13, 2012, Aurora, IL

http://prolifeaction.org/hotline/2012/ambulanceppauro ra/; www.lifenews.com/2012/10/17/botched-abortion-another-ambulance-at-another-planed-parenthood/
Oct. 15, 2012, Bakersfield, CA
www.operationrescue.org/archives/bakersfield-abortio n-clinic-sends-abortion-patient-to-the-hospital/
Oct. 26, 2012, Denver, CO
www.lifenews.com/2012/11/05/planned-parenthood-bo tches-another-abortion-16-in-22-months/; http://operati onrescue.org/pdfs/pprm-20121026-cad-detail.pdf (911 incident report)
Nov. 1, 2012, Cleveland, OH
www.operationrescue.org/archives/bloody-botched-22-week-abortion-second-for-cleveland-abortionist-in-5-w eeks/ (911 recording included)
Nov. 2, 2012, Indianapolis, IN
www.operationrescue.org/archives/911-planned-paren thood-abortionist-halts-2nd-trimester-abortion-sends-patient-to-hospital/ (911 recording included)
Nov. 8, 2012, Chicago, IL
http://prolifeaction.org/hotline/2012/albanyambulance/
Nov. 21, 2012, St. Louis, MO
www.operationrescue.org/archives/planned-parenthoo d-landed-abortion-patient-in-hospital-the-day-before-t hanksgiving/
Dec. 1, 2012, Cleveland, OH
www.operationrescue.org/archives/abortion-patient-pa sses-out-turns-pale-as-ambulance-scrambles-to-help/ (911 recording included)
Dec. 1, 2012, St. Louis, MO
www.lifenews.com/2012/12/28/st-louis-planned-parent hood-botches-third-abortion-in-weeks/
Dec. 26, 2012, St. Louis, MO
www.operationrescue.org/archives/st-louis-planned-pa renthoods-sheets-of-shame-attempt-to-hide-4th-aborti

on-emergency/; http://abortiondocs.org/wp-content/uploads/2013/01/12-079023-4251-Forest-Park-Med-Dispatch.pdf (incident report)

2013

Jan. 19, 2013, St. Louis, MO
www.lifenews.com/2013/01/21/planned-parenthood-botches-abortion-tries-to-hide-victim/; www.operationrescue.org/archives/st-louis-planned-parenthoods-sheets-of-shame-attempt-to-hide-4th-abortion-emergency/
Feb. 4, 2013, Bakersfield, CA
www.lifenews.com/2013/02/05/woman-rushed-to-hospital-after-botched-abortion-in-california/
Feb. 7, 2013, Albuquerque, NM
www.operationrescue.org/archives/breaking-ambulance-transported-another-sella-patient-to-hospital-moments-before-board-dismissed-negligence-charges/
Feb. 8, 2013, Wilmington, DE
www.lifenews.com/2013/03/04/planned-parenthood-injured-two-women-in-botched-abortions-in-delaware/ (911 recording)
Feb. 13, 2013, Baltimore, MD
www.operationrescue.org/archives/maryland-abortionist-that-killed-patient-identified/ (link to 911 and police reports)
Feb. 16, 2013, Wilmington, DE
www.lifenews.com/2013/02/18/planned-parenthood-botches-abortion-hospitalizes-woman-in-delaware/ (video included); www.lifenews.com/2013/03/04/planned-parenthood-injured-two-women-in-botched-abortions-in-delaware/ (video with 911 recording included)
Feb. 22, 2013, Orange, CA
www.operationrescue.org/archives/911-recordings-reveal-3-planned-parenthood-patients-suffering-serious-abortion-complications/ (911 recording included)

Mar. 1, 2013, Albuquerque, NM
www.operationrescue.org/archives/breaking-botched-abortion-at-albuquerque-late-term-abortion-clinic-lands-14th-woman-in-hospital/ (14th medical emergency at this facility since November 2008; video included)
Mar. 5, 2013, Denver, CO
www.lifenews.com/2013/03/07/planned-parenthood-tries-to-hide-botched-abortion-injuring-woman-2/
Mar. 6, 2013, Cleveland, OH
www.operationrescue.org/archives/special-report-secret-ohio-department-of-health-docs-reveal-47-horrific-botched-abortions-countless-safety-violations-and-more/; http://abortiondocs.org/wp-content/uploads/2015/05/Preterm-Complications-2-08312012-03062013.pdf (state health department records)
Mar. 9, 2013, Orange, CA
www.operationrescue.org/archives/911-recordings-reveal-3-planned-parenthood-patients-suffering-serious-abortion-complications/ (911 recording included)
Mar. 13, 2013, Wilmington, DE
www.operationrescue.org/archives/praying-catholic-grandma-violently-attacked-at-planned-parenthood-while-filming-botched-abortion-incident/
Mar. 23, 2013, Detroit, MI
www.lifenews.com/2013/04/01/ambulance-called-for-woman-after-botched-2nd-trimester-abortion/ (video included)
May 4, 2013, New York, NY
www.lifenews.com/2013/05/07/planned-parenthood-clinic-botches-abortion-in-new-york-city/
June 5, 2013, Madison, WI
https://saynsumthn.wordpress.com/2013/06/11/ambulance-at-planned-parenthood/
June 27, 2013, Falls Church, VA
www.operationrescue.org/archives/ambulance-transpo

rts-patient-from-virginia-abortion-clinic-with-history-of-filth-unsafe-conditions/ (video and link to 911 report included)
July 9, 2013, Germantown, MD
www.operationrescue.org/archives/911-recording-bleeding-threat-minimized-by-carhart-abortion-clinic-worker/ (video 911 recording included)
Aug. 7, 2013, Jackson, MS
http://blog.al.com/spotnews/2013/08/patient_taken_by_ambulance_fro.html (with link to video); www.operationrescue.org/archives/ambulance-transports-woman-from-troubled-jackson-mississippi-abortion-clinic/ (video included)
Aug. 14, 2013, Houston, TX
www.lifenews.com/2013/08/15/planned-parenthood-abortion-clinic-in-houston-rushes-woman-to-hospital/
Aug. 21, 2013, St. Louis, MO
www.operationrescue.org/archives/breaking-planned-parenthood-patient-rushed-to-hospital-hours-ago-in-st-louis/
Sept. 10, 2013, Falls Church, VA
www.operationrescue.org/archives/virginia-abortion-clinic-botches-two-abortions-after-suing-to-block-safety-rules/ (911 recording included)
Sept. 10, 2013, St. Louis, MO
www.operationrescue.org/archives/new-documents-reveal-dirty-conditions-political-cover-up-at-st-louis-planned-parenthood/
Sept. 14, 2013, Cleveland, OH
http://www.operationrescue.org/archives/high-risk-abortion-patient-lips-blue-barely-breathing-after-abortion-in-cleveland/ (911 recording included)
Sept. 27, 2013, Cleveland, OH
www.operationrescue.org/archives/special-report-secret-ohio-department-of-health-docs-reveal-47-horrific-bo

tched-abortions-countless-safety-violations-and-more/;
http://abortiondocs.org/wp-content/uploads/2015/05/Preterm-Complication-09272013.pdf (state health department records)
Oct. 2, 2013, Detroit, MI
www.operationrescue.org/archives/abortionist-who-killed-patient-sends-another-to-the-hospital-in-detroit/
Oct. 3, 2013, Bedford Heights, OH
www.operationrescue.org/archives/special-report-secret-ohio-department-of-health-docs-reveal-47-horrific-botched-abortions-countless-safety-violations-and-more/
Oct. 11, 2013, St. Louis, MO
www.operationrescue.org/archives/two-for-the-money-abortionists-injure-women-in-two-states/
Oct. 11, 2013, Montclair, CA
www.operationrescue.org/archives/two-for-the-money-abortionists-injure-women-in-two-states/ (video included)
Oct. 21, 2013, Victorville, CA
www.operationrescue.org/archives/after-just-42-days-in-business-victorville-planned-parenthood-hospitalizes-first-patient/
Oct. 29, 2013, St. Louis, MO
www.operationrescue.org/archives/botched-abortion-outbreak-reveals-urgent-safety-crisis-at-st-louis-planned-parenthood/
Nov. 26, 2013, Germantown, MD
www.operationrescue.org/archives/911-redactions-fail-to-hide-hemorrhage-as-complication-to-carhart-late-term-abortion/ (video with 911 recording included)
Nov. 30, 2013, Bellevue, NE
www.lifenews.com/2013/12/12/abortion-doc-injures-two-women-in-botched-abortions-in-four-days/ (portion of video)
Dec. 6, 2013, Cleveland, OH

www.operationrescue.org/archives/special-report-secret-ohio-department-of-health-docs-reveal-47-horrific-botched-abortions-countless-safety-violations-and-more/; http://abortiondocs.org/wp-content/uploads/2015/05/Preterm-Complication-12-6-2013.pdf (state health department records)
Dec. 14, 2013 Houston, TX
www.operationrescue.org/archives/protest-thursday-four-911-recordings-describe-abortion-related-complications-at-texas-planned-parenthood/ (911 recording included)
Dec. 23, 2013, Downey, CA
www.operationrescue.org/archives/911-california-abortion-patient-hemorrhaged-half-her-blood-after-medication-abortion/ (911 recording included)

2014
Jan. 6, 2014, Bakersfield, CA
www.operationrescue.org/archives/first-botched-abortion-victim-of-2014-rushed-to-hospital-in-bakersfield/
Jan. 18, 2014, Aurora, IL
http://lifedynamics.com/ambulance-called-planned-parenthood-botched-abortion/ (video with 911 recording included); www.lifenews.com/2014/01/21/ambulance-races-to-planned-parenthood-as-woman-injured-in-botched-abortion/ (with link to video)
Feb. 13, 2014, Albuquerque, NM
www.operationrescue.org/archives/ambulances-transport-two-patients-from-nations-largest-late-term-abortion-clinic-in-albuquerque/
Mar. 4, 2014, Germantown, MD
www.operationrescue.org/archives/another-carhart-botched-abortion-sends-patient-to-emergency-room/
Mar. 4, 2014, Madison, WI
www.lifenews.com/2014/03/10/planned-parenthood-inj

ures-two-women-in-abortions-armored-car-picks-up-cash-afterwards/
Mar. 5, 2014, Madison, WI
www.lifenews.com/2014/03/10/planned-parenthood-injures-two-women-in-abortions-armored-car-picks-up-cash-afterwards/
Mar. 12, 2014, Boston, MA
www.operationrescue.org/archives/six-emergency-vehicles-swarm-boston-planned-parenthood-during-medical-emergency/; www.operationrescue.org/archives/police-report-woman-unresponsive-after-abortion-at-boston-planned-parenthood/ (includes link to police report); www.lifenews.com/2014/03/14/ambulances-surround-planned-parenthood-as-woman-injured-during-abortion/
Mar. 21, 2014, Cleveland, OH
https://www.lifesitenews.com/news/abortion-death-911-records-show-cleveland-abortion-patient-not-breathing-at (video with 911 recording included); www.lifenews.com/2014/03/26/woman-dies-after-botched-legal-abortion-frantic-911-call-shes-not-breathing-at-all/ (video with 911 recording included); http://abortiondocs.org/wp-content/uploads/2015/05/Wilson-Preterm-Record.pdf (medical record)
Mar. 27, 2014, Albuquerque, NM
www.operationrescue.org/archives/ambulances-transport-two-patients-from-nations-largest-late-term-abortion-clinic-in-albuquerque/; www.lifenews.com/2014/03/28/ambulances-rush-to-nations-largest-late-term-abortion-clinic-after-two-botched-abortions/
Apr. 16, 2014, Dallas, TX
www.lifenews.com/2014/06/02/1000-texas-women-hospitalized-every-year-after-botched-abortions/ (video included)
Apr. 26, 2014, Bellevue, NE
www.operationrescue.org/archives/ambulance-rushes-

seventh-carhart-abortion-patient-in-two-years-to-hospital/; www.operationrescue.org/archives/carhart-worker-to-911-we-had-an-issue-with-the-procedure/ (911 recording included)
June 3, 2014, Port Charlotte, FL
www.operationrescue.org/archives/florida-abortionist-harms-two-abortion-patients-on-same-day-one-hospitalized/
June 21, 2014, Nashville, TN
www.lifenews.com/2014/10/31/tennessee-medical-doctor-reveals-why-he-supports-amendment-1/ (video with 911 recording included)
July 2, 2014, Germantown, MD
www.operationrescue.org/archives/carhart-strikes-again-african-american-woman-suffers-8th-abortion-related-medical-emergency-in-2-years/ (video included); www.operationrescue.org/archives/carhart-botched-abortion-cover-up-maryland-officials-attempt-to-silence-operation-rescue/ (911 recordings included)
July 10, 2014, St. Louis, MO
http://liveactionnews.org/ambulance-takes-patient-away-under-covered-sheets-from-planned-parenthood-abortion-center/; www.lifenews.com/2014/07/14/planned-parenthood-injures-woman-in-botched-abortion-hides-victim-with-sheets/; www.operationrescue.org/archives/st-louis-planned-parenthood-further-endangers-abortion-patient-by-calling-slower-private-ambulance-during-medical-emergency/
Sept. 4, 2014, Jacksonville, FL
www.operationrescue.org/archives/missing-911-call-ambulance-rushes-sobbing-abortion-patient-from-shoddy-florida-clinic/ (video included)
Oct. 25, 2014, Aurora, IL
http://lifedynamics.com/ambulance-called-planned-parenthood-botched-abortion/ (video with 911 recording

included); www.lifenews.com/2014/11/17/planned-parenthood-botches-abortion-woman-rushed-to-hospital-after-massive-blood-loss/ (same)
Nov. 12, 2014, St. Louis, MO
www.operationrescue.org/archives/ambulance-transports-27th-women-from-st-louis-planned-parenthood-abortion-center/
Nov. 14, 2014, Salem, OR
www.operationrescue.org/archives/ambulance-transports-salem-planned-parenthood-patient/; www.operationrescue.org/archives/abortionist-places-bizarre-911-call-with-shocking-ending/ (911 recording included)
Dec. 11, 2014, Dayton, OH
www.operationrescue.org/archives/double-trouble-ambulances-transport-two-women-in-one-day-from-haskells-dayton-late-term-abortion-clinic/ (two ambulances)
Dec. 19, 2014, Albuquerque, NM
www.operationrescue.org/archives/ambulance-video-seventeenth-known-medical-emergency-at-new-mexico-late-term-abortion-clinic/ (video included)
Dec. 19, 2014, Chicago, IL
www.lifenews.com/2014/12/23/chicago-abortion-clinic-that-killed-four-women-in-abortions-injures-three-women-in-two-days/ (two ambulances)
Dec. 20, 2014, Chicago, IL
www.lifenews.com/2014/12/23/chicago-abortion-clinic-that-killed-four-women-in-abortions-injures-three-women-in-two-days/

2015
Jan. 7, 2015, Spokane, WA
www.operationrescue.org/archives/spokane-planned-parenthood-workers-laugh-as-suffering-woman-loaded-into-an-ambulance/
Jan. 17, 2015, San Diego, CA

www.operationrescue.org/archives/woman-who-rejected-help-from-pro-life-activists-rushed-by-ambulance-from-san-diego-abortion-facility/
Jan. 31, 2015, Houston, TX
www.breitbart.com/texas/2015/03/04/five-women-injured-in-4-weeks-during-botched-abortions-at-houston-planned-parenthood-clinics/; www.operationrescue.org/archives/protest-thursday-four-911-recordings-describe-abortion-related-complications-at-texas-planned-parenthood/ (911 recording included)
Feb. 3, 2015, Bakersfield, CA
http://lifedynamics.com/ambulance-transfers-patient-california-abortion-clinic/; www.lifenews.com/2015/02/04/clinic-workers-applaud-as-woman-put-in-ambulance-after-botched-abortion/
Feb. 6, 2015, Houston, TX
www.breitbart.com/texas/2015/03/04/five-women-injured-in-4-weeks-during-botched-abortions-at-houston-plannedparenthood-clinics/; https://www.facebook.com/100578081394/videos/10152755286961395/ (911 recording)
Feb. 7, 2015, Little Rock, AR
www.lifenews.com/2015/02/11/abortion-clinics-injure-four-women-in-botched-abortions-in-one-weekend/
Feb. 7, 2015, Riverside, CA
www.lifenews.com/2015/02/11/abortion-clinics-injure-four-women-in-botched-abortions-in-one-weekend/
Feb. 7, 2015, Akron, OH
www.operationrescue.org/archives/lights-and-sirens-woman-rushed-to-er-from-akron-abortion-facility/ (video included); www.lifenews.com/2015/02/09/lights-and-sirens-blare-as-woman-rushed-to-hospital-after-botched-abortion/ (video included); www.operationrescue.org/archives/ambulance-call-cannula-tore-hole-in-uterus-during-botched-abortion-at-troubled-akron-clinic/ (video with 911 recording included)

Feb. 19, 2015, Pensacola, FL
http://40daysforlifepensacola.com/2015/02/911/ (video and 911 recording included); www.lifenews.com/2015/02/23/abortion-clinic-owner-kicked-out-of-other-states-injures-woman-in-botched-abortion-in-florida/ (video included)
Feb. 25, 2015, Houston, TX
www.breitbart.com/texas/2015/03/04/five-women-injured-in-4-weeks-during-botched-abortions-at-houston-planned-parenthood-clinics/; www.operationrescue.org/archives/protest-thursday-four-911-recordings-describe-abortion-related-complications-at-texas-planned-parenthood/ (911 recording included)
Feb. 26, 2015, Houston, TX
www.breitbart.com/texas/2015/03/04/five-women-injured-in-4-weeks-during-botched-abortions-at-houston-planned-parenthood-clinics/; www.operationrescue.org/archives/protest-thursday-four-911-recordings-describe-abortion-related-complications-at-texas-planned-parenthood/ (911 recording included)
Feb. 28, 2015, Houston, TX
https://www.facebook.com/video.php?v=10152755487901395 (911 audio)
Mar. 7, 2015, St. Louis, MO
www.lifenews.com/2015/03/16/planned-parenthood-patient-seen-wailing-and-grimacing-in-pain-after-botched-abortion/
Mar. 11, 2015, Little Rock, AR
http://plal.org/hotline/2015/littlerockambulance/ (video with 911 call included; staffer said "she would have died anyway"); www.lifenews.com/2015/04/06/abortion-clinic-delays-calling-9-11-to-cover-up-botched-abortion-she-would-have-died-anyway/
Mar. 12, 2015, Ann Arbor, MI www.operationescue.org/archives/no-sirens-please-two-ambulances-within-60-d

ays-at-michigan-planned-parenthood/ (911 recording included)
Mar. 20, 2015, Cleveland, OH
www.lifenews.com/2015/03/23/ambulance-rushes-to-abortion-clinic-that-killed-woman-in-botched-abortion-one-year-ago/; www.operationrescue.org/archives/911-recordings-reveal-new-details-of-two-more-abortion-complications-at-preterm-where-lakisha-wilson-died/ (911 recording included)
Mar. 26, 2015, Wichita, KS
www.lifenews.com/2015/07/06/abortion-clinic-refuses-ambulance-for-woman-hemorrhaging-after-botched-abortion/ (video with 911 recording included); www.operationrescue.org/archives/ambulance-transports-patient-from-wichita-abortion-clinic-in-former-tiller-building/ (video included)
Mar. 27, 2015, Bedford Heights, OH
www.operationrescue.org/archives/details-surface-of-two-medical-emergencies-at-an-ohio-planned-parenthood/ (with link to incident report)
Mar. 31, 2015, Bakersfield, CA
http://lifedynamics.com/man-begs-911-help-wife-abortion/ (video with 911 call from husband included); www.lifenews.com/2015/04/01/abortion-clinic-in-california-botches-abortion-tries-to-hide-victim-with-sheets/
Apr. 14, 2015, Bakersfield, CA
http://lifedynamics.com/third-ambulance-called-california-abortion-clinic-past-months/; http://lifedynamics.com/abortion-doctor-to-911-we-need-someone-immediately/ (911 recording)
Apr. 15, 2015, Spokane, WA
http://www.operationrescue.org/archives/ambulance-transports-planned-parenthood-patient-on-abortionists-first-day-on-the-job/ (video included); www.lifenews.com/2015/05/18/planned-parenthood-staffer-calls-911-in

-panic-after-botched-abortion-we-cant-stop-the-bleeding/ (video with 911 recording included)
Apr. 24, 2015, Cleveland, OH
https://saynsumthn.wordpress.com/2015/04/27/woman-leaves-abortion-clinic-in-ambulance-wrapped-like-a-mummy/ (video included); www.lifenews.com/2015/ 04/ 27/watch-abortionist-sends-woman-wrapped-like-a-mummy-to-hospital-after-botched-abortion/ (video included); www.operationrescue.org/archives/911-recordings-reveal-new-details-of-two-more-abortion-complications-at-preterm-where-lakisha-wilson-died/ (video with 911 recording included)
Apr. 30, 2015, Aurora, IL
www.lifenews.com/2015/04/30/ambulance-transports-woman-screaming-in-agony-from-planned-parenthood-to-hospital/ (video included)
May 9, 2015, Ann Arbor, MI
www.operationrescue.org/archives/no-sirens-please-two-ambulances-within-60-days-at-michigan-planned-parenthood/ (video included)
May 11, 2015, Bedford Heights, OH
www.operationrescue.org/archives/details-surface-of-two-medical-emergencies-at-an-ohio-planned-parenthood/ (with link to incident report)
June 6, 2015, Orlando, FL
www.operationrescue.org/archives/african-american-women-leaves-worst-abortion-clinic-in-nation-in-an-ambulance/
June 26, 2015, Ann Arbor, MI
https://www.youtube.com/watch?v=ZfI6jIeIu2I (video of three dates)
July 14, 2015, Bakersfield, CA
http://lifedynamics.com/4th-ambulance-called-abortion-clinic-mentioned-planned-parenthood-video/
July 15, 2015, San Bernardino, CA

www.lifenews.com/2015/07/24/woman-hemorrhages-possibly-dies-from-botched-abortion-at-california-abortion-clinic/ (video with 911 recording included)
July 16, 2015, Bloomington, IN
www.operationrescue.org/archives/bleeding-woman-at-indiana-planned-parenthood-spotlights-frequently-minimized-abortion-dangers/ (911 audio recording included)
Aug. 4, 2015, Houston, TX
www.lifenews.com/2015/08/04/ambulance-rushed-after-botched-abortion-to-planned-parenthood-clinic-exposed-selling-aborted-babies/; www.lifenews.com/2015/10/06/planned-parenthood-worker-caught-selling-aborted-babys-eyeballs-calls-911-after-botched-abortion/ (911 recording included)
Aug. 21, 2015, Brookline, MA
www.operationrescue.org/archives/massachusetts-abortionist-experiments-on-fresh-brains-of-down-syndrome-babies/
Sept. 5, 2015, San Diego, CA
www.lifenews.com/2015/09/14/woman-reportedly-dies-after-botched-abortion-at-family-planning-associates-clinic-in-san-diego/; www.lifenews.com/2015/09/18/moms-premonition-saves-life-of-a-woman-who-almost-died-from-a-botched-abortion/
Sept. 16, 2015, Spokane, WA
www.operationrescue.org/archives/safety-claims-questioned-spokane-planned-parenthood-tears-hole-in-abortion-patients-womb/ (911 recording included)
Oct. 7, 2015, York, PA
http://greaterfitchburgforlife.blogspot.com/2015/10/day-29-call-ambulance-forty-days-for.html
Oct. 9, 2015, Columbus, OH

www.lifenews.com/2015/12/08/planned-parenthood-botches-abortion-woman-has-sheet-over-her-head-heading-to-ambulance/ (video with 911 recording included)
Dec. 15, 2015, Germantown, MD
www.lifenews.com/2015/12/18/late-term-abortionist-rushes-woman-to-hospital-after-injuring-her-in-botched-legal-abortion/ (video included)

APPENDIX B: Correspondence with HHS/CDC

ACLJ
American Center
for Law & Justice

April 30, 2004

Tommy G. Thompson
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Re: Abortion statistics and maternal health

Dear Secretary Thompson:

In the challenges to the federal partial birth abortion statute, as on many other occasions, the proponents of legalized abortion make the claim that abortion is safer for women than childbirth. There is very good reason to believe that this claim is false. However, a fair scientific examination of this claim is hindered by the way the Centers for Disease Control (CDC) maintains its relative maternal mortality statistics.

I am writing to urge your office to direct a reassessment of the pertinent statistical measures. In short, the HHS should see to it that the American public -- and in particular, women contemplating the

choice between abortion and continuing pregnancy -- have a genuine basis for an honest and meaningful comparison of the relative risks. If, in the alternative, the CDC is unable to provide a basis for a true comparison, it should so state.

The CDC has in the past reported maternal mortality as the "[n]umber of maternal deaths per 100,000 live births." See, e.g., www.cdc.gov/epo/mmwr/preview/mmwrhtml/00054602.htm (Fig. 1, footnote *) (Maternal Mortality -- United States, 1982-1996). Abortion mortality, by contrast, is reported as the number of "[l]egal induced abortion-related deaths per 100,000 reported legal induced abortions." See, e.g., www.cdc.gov/mmwr/preview/mmwrhtml/ss5212a1.htm (Table 19, footnote *) (Abortion Surveillance -- United States, 2000).

Here are some of the concerns with these statistics:

1. Denominator too small for maternal mortality rate

Maternal mortality should reflect deaths per pregnancy, not deaths per live birth. Stillbirths and miscarriages are fairly common occurrences.[1] To count maternal deaths associated with miscarriages, for

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[1] See, e.g., www.cdc.gov/nchs/releases/00facts/trends.htm ("6 million-plus pregnancies in 1996 in the U.S. resulted in 3.9 million births, 1.3 million induced abortions and almost a million fetal deaths," i.e., "16 percent [ended] in a miscarriage or stillbirth").

example, while not counting the pregnancies, improperly inflates the maternal mortality rate.[2]

2. No maternal mortality rate adjustment for gestational stage

The relative risk of aborting versus continuing a pregnancy should reflect the prospective risks only, and not risks associated with stages of pregnancy already passed. For example, ectopic pregnancies cause a significant percentage of maternal deaths, and indeed are the leading cause of deaths in the first trimester. See, e.g., www.cdc.gov/mmwr/preview/mmwrhtml/00035709.htm (Current Trends: Ectopic Pregnancy -- United States, 1990-92). Obviously, a woman entering her second trimester faces zero risk of a first-trimester death from ectopic pregnancy, yet the undifferentiated CDC maternal mortality rate incorporates those first-trimester deaths. An abortion cannot eliminate risks that have already passed; only prospective risks should enter into the comparison.

3. Underreporting of abortion-related deaths

A true statistical comparison of the risks of death from abortion versus continued pregnancy is impossible if the statistics are inaccurate. Thus, the apparently common failure to report abortion-related deaths see www.afterabortion.org/PAR/V8/n2/abortion deaths.html ("The Cover-Up: Why U.S. Abortion

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[2] Of course, live births should be counted only once for each labor, regardless of whether the woman bears at one time a single child, twins, triplets, or a greater number.

Mortality Statistics Are Meaningless"), underestimates the abortion mortality rate. The same problem would apply to any underreporting of other maternal deaths. (And, of course, abortion-related deaths must be excluded from the maternal mortality rate if any comparison is to be made. Counting abortion deaths as maternal deaths as well -- or instead -- stacks the deck against childbearing and in favor of abortion.)

4. Disregard of non-immediate deaths

Recent studies indicate that abortion is associated with an increased rate of short-term and long-term maternal death. See www.afterabortion.org/physica.html ("A list of Major Physical Sequelae Related to Abortion"). A fair comparison of abortion with continued childbearing, like a fair comparison of smoking with nonsmoking, would take into account all such statistically significant increased death risks.

* * *

Women choose or decline abortions for many different reasons, and the decision for many may represent a complex balance of multiple considerations. It is a grave disservice to withhold from women the information needed for a genuine comparison between abortion mortality and the risk of mortality from continuing the pregnancy. Such information may be decisive for many women. Moreover, abortion businesses, which have profit motives for women to choose abortion, cannot be relied upon to present the full picture. Indeed, such businesses may be using statistics -- despite the flaws described above -- to help sell abortion to trusting lay

women. Cf. www.abortion.com/questions.html (claiming that "statistically, childbirth is far more dangerous than abortion").

I strongly urge you to direct the CDC to make all necessary adjustments to its preparation and presentation of statistical data to allow for an honest, unbiased comparison of the relative risks of abortion and continuing pregnancy.

Very truly yours,

/s/
Walter M. Weber
Senior Litigation Counsel

WMW:fd

cc: Timothy Goeglein
Terrell Halaska

DEPARTMENT OF HEALTH
& HUMAN SERVICES

Public Health Service
Centers for Disease Control
and Prevention (CDC)
Atlanta, GA 30333

JUL 20 2004

Mr. Walter M. Weber
Senior Litigation Counsel
American Center for Law & Justice
201 Maryland Avenue, N.E.
Washington, D.C. 20002

Dear Mr. Weber:

We appreciate your interest in the Centers for Disease Control and Prevention's (CDC) efforts to collect and publish maternal mortality statistics (including those related to abortion). CDC makes every effort to identify all such deaths and to present maternal mortality statistics using established scientific methods.

The maternal mortality rate is computed as all maternal deaths per 100,000 live births. In contrast, the measure used for abortions is a case-fatality rate which is computed per 100,000 legal abortions. These measures are conceptually different and are used by CDC for different public health purposes.

CDC calculates the maternal mortality rate per 100,000 live births for the following reasons:

1. To maintain comparability in long term trends for the United States. Estimates of the number of pregnancies (including live births, miscarriages or stillbirths, and induced abortions) in the United States have been published only since the 1970s.
2. The live birth component of the pregnancy estimates is highly reliable. Virtually all births are counted in every year. Estimates of all abortions are based on CDC's abortion surveillance system, which relies on state abortion reporting systems. Estimates of stillbirths, ectopic pregnancies, and miscarriages are based on survey data and are subject to significant sampling error, particularly for smaller population subgroups. Estimates of stillbirths and miscarriages are based on pregnancy history data from the National Survey of Family Growth (NSFG). The NSFG is conducted periodically, every 5 to 7 years. The data are subject to sampling error, particularly for smaller population subgroups. For information on the estimation methodology, see www.cdc.gov/nchs/data/series/sr_21/sr21 _056.pdf.
3. To maintain international comparability. Many other countries cannot adequately estimate the number of pregnancies, especially those in which abortion is illegal. Information on miscarriage and stillbirth also varies considerably in completeness. In the

> interest of international comparability, the World Health Organization has specified that the number of live births should be used for the denominator of the maternal mortality rate.

Adjusting the maternal mortality rate for gestational stage is not statistically feasible, because this requires data that are not currently completely available. The Pregnancy Mortality Surveillance System (PMSS) relies primarily on death certificates which do not typically provide this information. Gestational age may be available for some maternal deaths in cases where linkage with other records (e.g., birth certificates, fetal death reports) is possible. Information on gestational age for induced abortions is available in about 42 states or jurisdictions.

CDC recognizes that despite efforts to count all maternal deaths (including those abortion-related) in the United States, some remain uncounted. The death itself is reported but accurate information on the cause may not be provided. CDC estimates that maternal deaths in general are underreported by 30 to 150 percent (see www.cdc.gov/mmwr/preview/mmwrhtml/ss5202e1.htm). The nature of the surveillance systems make it difficult to obtain complete data. The PMSS compiles data from 50 states, the District of Columbia, and New York City. Abortion surveillance involves data from 47 states, District of Columbia, and New York City. These systems are voluntary (CDC does not provide remuneration for data) and rely primarily on death certificate data which may or may not provide information that indicates the death was maternal or abortion-related. In the case of deaths associated with

induced abortion, CDC also uses searches of computerized print media databases (Lexis-Nexis) to identify additional cases.

At CDC we are very committed to improving data collection systems and providing the most accurate and reliable data on all aspects of maternal and infant health. I hope this information is helpful.

Sincerely,

/s/
Julie Louise Gerberding, M.D., M.P.H.
Director